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Attorneys for Plaintiff  
United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
ISIDRO ZURIEL CRUZ-VIZCARRA,  
  
Defendant.

CASE NO. 1:22-CR-00179-JLT-SKO  
  
STIPULATION REGARDING EXCLUDABLE  
TIME PERIODS UNDER SPEEDY TRIAL ACT;  
ORDER  
  
DATE: October 18, 2023  
TIME: 1:00 p.m.  
COURT: Hon. Sheila K. Oberto

**STIPULATION**

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on October 18, 2023.
2. By this stipulation, defendants now move to vacate the status conference and set the case for a change of plea hearing before Hon. Jennifer L. Thurston at 10:00 a.m. on January 8, 2024, and to exclude time between October 18, 2023, and January 8, 2024, inclusive.
3. The parties agree and stipulate, and request that the Court find the following:
  - a) The discovery associated with this case is voluminous and includes tens of thousands of pages, including investigative reports, photographs and videos, as well as hundreds of hours of recorded telephone conversations pursuant to wiretap orders, many cellular phone extractions, and large amounts of cellular telephone precise location data and vehicle tracker

1 data. All this discovery has been either produced directly to counsel and/or made available for  
2 inspection and copying.

3 b) The government has sent a plea offer to the defense to resolve the case. The  
4 defendant needs to review the offer with his counsel and prepare for the change of plea hearing.

5 c) Defense counsel also requests the additional time to review the discovery.  
6 Counsel for defendant desires additional time to consult with his client, conduct investigation,  
7 review the voluminous discovery.

8 d) Counsel for defendant believes that failure to grant the above-requested  
9 continuance would deny him/her the reasonable time necessary for effective preparation, taking  
10 into account the exercise of due diligence.

11 e) The government does not object to the continuance.

12 f) Based on the above-stated findings, the ends of justice served by continuing the  
13 case as requested outweigh the interest of the public and the defendant in a trial within the  
14 original date prescribed by the Speedy Trial Act.

15 g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,  
16 et seq., within which trial must commence, the time period of October 18, 2023 to January 8,  
17 2024, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(i) and B(ii),  
18 B(iv) because the case is so unusual or so complex, due to the number of defendants, the nature  
19 of the prosecution, or the existence of novel questions of fact or law, that it is unreasonable to  
20 expect adequate preparation for pretrial proceedings or for the trial itself within the time limits  
21 established by this section. This stipulation also results from a continuance granted by the Court  
22 at defendant's request on the basis of the Court's finding that the ends of justice served by taking  
23 such action outweigh the best interest of the public and the defendant in a speedy trial.

24 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the  
25 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial  
26 must commence.

27 IT IS SO STIPULATED.  
28

1 Dated: September 29, 2023

2 PHILLIP A. TALBERT  
3 United States Attorney

4 /s/ Justin J. Gilio  
5 JUSTIN J. GILIO  
6 Assistant United States Attorney

7 Dated: October 4, 2023

8 /s/ Brian Andritch  
9 Brian Andritch  
10 Counsel for Defendant  
11 Isidro Zuriel Cruz-Vizcarra

12  
13 **ORDER**

14  
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16 IT IS SO ORDERED.

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20 DATED: 10/11/2023

21 Sheila K. Oberto  
22 THE HONORABLE SHEILA K. OBERO  
23 UNITED STATES MAGISTRATE JUDGE  
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